

### **Remarks**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks. Claims 47-51 are pending in the application. Claims 47-51 are rejected. No claims have been allowed. Claims 47 and 51 are independent. Claim 51 has been amended.

### ***Cited Art***

The Action cites Kang et al. (7,010,174) (hereinafter “Kang”) and Debevec et al. (6,888,552) (hereinafter “Debevec”).

### ***Claim Rejections under 35 U.S.C. § 103(a)***

The Action rejects claims 47-51 under 35 U.S.C. § 103(a) over Kang in view of Debevec. Applicants respectfully traverse these rejections and request that they be withdrawn.

Under 35 U.S.C. § 103(c), the Kang reference is not available as a prior art reference in a rejection based on 35 U.S.C. § 103(a) because the subject matter of Kang and the claimed invention were, at the time the claimed invention was made, both subject to an obligation of assignment to Microsoft Corporation. [See 35 U.S.C. § 103(c); MPEP 706.02(l)(1).] Therefore, the rejections under 35 U.S.C. § 103(a) over Kang should be withdrawn.

In addition, Applicants respectfully submit that the claims are allowable in view of the art applied by the Examiner because Kang teaches directly away from the claimed invention, and because the Examiner’s suggested modification of the system described in Kang would render it unfit for its intended purpose.

Independent claim 47 recites in part:

deriving image segment information from the high dynamic range image information during pre-processing of the high dynamic range image, the image segment information defining two or more image segments in the high dynamic range image; and

*in response to a cursor passing over a first image segment of the two or more image segments in the high dynamic range image:*

*applying tone mapping to the first image segment; and*

*displaying the first image segment in accordance with at least one display parameter corresponding to the tone mapping that differs from a*

corresponding display parameter for a second image segment of the two or more image segments in the high dynamic range image.

Independent claim 51 recites in part:

as a pre-process, segmenting the one or more digital high dynamic range images into two or more image segments;  
caching the image information for retrieval;  
displaying an image on a display device composed from the cached image information, the displayed image containing at least two of the image segments;  
*receiving input indicative of a cursor passing over a first image segment of the at least two of the image segments in the displayed image;*  
*in response to the input:*  
*applying tone mapping to the first image segment*, wherein the tone mapping is applied in accordance with at least one tone mapping display parameter that differs from a corresponding display parameter for a second image segment of the at least two of the image segments in the displayed image; and  
refreshing display of the image on the display device with the first image segment as modified by the tone mapping.

The Office asserts at page 5 of the Action that “It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a user-operator scaling control taught by Debevec into the system of Kang et al for high dynamic range image editing, because it would facilitate the editing of a high dynamic range image with a low dynamic range image editing system without significant loss of dynamic range information.” Debevec does describe a “scaling control” for processing high dynamic range images that “could be an area on the screen that is selected or controlled by a mouse.” [See Debevec at col. 5, l. 35-39.]

However, in the opening sentence of the Summary, Kang states, “The present invention is directed toward a system and process for generating HDR video from an image sequence of a dynamic scene captured while rapidly varying the exposure using a conventional video camera which has undergone a simple reprogramming of the auto gain mechanism.” [See Kang at col. 1, l. 65 – col. 2, l. 3.] Therefore, the whole idea of the system described in Kang is to provide a way for a video camera to *automatically* adjust exposure in an effort to generate HDR video. Kang therefore teaches directly away from, for example, “applying tone mapping to the first image segment” “in response to a cursor passing over a first image segment of the two or more image segments in the high dynamic range image” as recited in claim 47, and “receiving input

indicative of a cursor passing over a first image segment” and “in response to the input: applying tone mapping to the first image segment,” as recited in claim 51.

Furthermore, to modify the system described in Kang as suggested by the Examiner would render the system described in Kang unfit for its intended purpose. The system described in Kang would have no use for user input such as input from the “scaling control” described in Debevec. Moreover, allowing time for a user to provide such input would defeat the purpose of the invention described in Kang, namely, “generating HDR video from an image sequence of a dynamic scene captured while rapidly varying the exposure using a conventional video camera.” Instead, Kang describes generating HDR video using “reprogramming of the auto gain mechanism.”

Independent claims 47 and 51 are allowable in view of the art applied by the Examiner because Kang teaches directly away from the recited language of claims 47 and 51, and because a modification of the system described in Kang to allow user input would render it unfit for its intended purpose.

Claims 48-50 depend from claim 47 and should be allowable for at least the reasons given above in support of claim 47.

The rejections of claims 47-51 under 35 U.S.C. § 103(a) should be withdrawn. Such action is respectfully requested.

### ***Interview Request***

If the claims are not found by the Examiner to be allowable, the Examiner is requested to call the undersigned attorney to set up an interview to discuss this application.

***Conclusion***

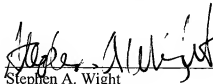
The claims in their present form should be allowable. Such action is respectfully requested.

Respectfully submitted,

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By

A handwritten signature in black ink, appearing to read "Stephen A. Wight", is written over a horizontal line.

Stephen A. Wight

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